

Appl. No. 10/595,801  
Amdt. dated January 19, 2010  
Reply to Office action of October 20, 2009

### **REMARKS**

Applicant thanks the Examiner for his indication that claims 3 and 4 contain allowable subject matter.

Applicant also thanks the Examiner for his courtesy in a telephone interview with their representative, Steven Koffs, on January 14, 2010. During the interview, the rejections under §112 were discussed, but no agreement was reached. Applicant indicated that this application would be amended to expedite allowance based on the indicated allowable subject matter, reserving the right to pursue the rejected claims in a continuing application.

The drawings were objected to under 37 CFR § 1.83(a), because a boss or detent is not shown. The Action states the Examiner's position that a boss or detent corresponds to the means in claims 6 and 12, and claim 13 expressly recited "boss or detent".

The specification and claim 13 are amended to delete any reference to "boss or detent." Claims 6 and 12 are in "means plus function" format, and thus cover the corresponding structure in the specification. The specification as amended discloses a bayonet style locking tab 155 as a means for providing lateral support (e.g., in the paragraph bridging pages 11 and 12). Another example of a means for providing lateral support in the description is the clevis pin assembly 132 shown in FIG. 5. Since the specification no longer mentions the boss or detent, claims 6, 12 and 13 do not recite a boss or detent. Therefore, withdrawal of the objection to the drawings is respectfully requested.

Claim 13 was rejected under 35 U.S.C. § 112, first paragraph. The Action alleges that the recitation of a boss or detent in the specification would not have been enabling. Claim 13 is being amended to cancel the reference to the boss or detent, in order to expedite prosecution in view of the indication of allowable subject matter. Thus, the full scope of claim 13 is enabled. The enablement rejection under U.S.C. § 112, first paragraph has been overcome.

Claims 6 and 12 were rejected under 35 U.S.C. § 112, second paragraph. As noted above, the specification is amended to cancel reference to a boss or detent. Other means for

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providing lateral support are described in the specification and shown in the drawings, and are covered by claims 6 and 12.

In view of the foregoing amendments to the specification and drawings, withdrawal of the rejections under §112 is respectfully requested.

Claims 1-2, 5, 7, 10-11 and 14 were rejected under 35 U.S.C. § 102 as being anticipated by Cann et al. (US 5,383,674). In view of the indication of allowable subject matter in claim 3, claim 1 is amended to include the features of claim 3 and intervening claim 2, which are canceled without prejudice. Claims 4 and 5 are dependent on claim 1. Claims 1, 4 and 5 should now be in condition for allowance.

Independent claims 7, 11 and 14 are also amended to include the subject matter of claims 2 and 3, and should now be allowable for the same reasons as claim 1. Claims 8-10 are dependent on claim 7. Therefore, these dependent claims should also be allowable for at least the same reasons as the base claims.

Claim 13 has been rewritten in independent form, except that the reference to the boss or detent is canceled. No prior art was cited as being relevant to claim 13. Therefore, claim 13 should now be in condition for allowance.

Claims 25-27 are added to cover combinations of the features recited in the original claims.

Claim 25 covers apparatus including the holder with a fixing member as in original claim 1, plus the bayonet style locking tab, the latter feature previously being included in original claim 13.

Claim 26 covers an ice skate including a boot having the apparatus of claim 25.

Claim 27 covers an ice skate including a boot having a means for fixing (as in original claim 11), and the bayonet style locking tab of claim 13.

In view of the foregoing amendments, withdrawal of the rejections under § 102 is respectfully requested.

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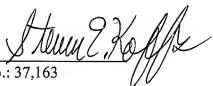
The withdrawn method claims all depend directly or indirectly on claim 7. Therefore, upon allowance of the product claims, the method claims should be rejoined and allowed.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

Dated: 1-20-10

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